

STATE OF MICHIGAN  
COURT OF APPEALS

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CHARLES FARRUGIA and CLAUDIA BODEK,

Plaintiffs-Appellants,

v

BUGOSOV SIDOROWICZ and ERIKA  
SIDOROWICZ,

Defendants-Appellees.

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UNPUBLISHED

August 9, 2002

No. 231952

Macomb Circuit Court

LC No. 99-003045-CZ

Before: Talbot, P.J., and Cooper and D. P. Ryan\*, JJ.

MEMORANDUM.

Plaintiffs appeal as of right from the court's judgment dismissing their claims based on the statute of limitations. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal plaintiffs argue that defendants' maintenance of an offending pond is a continuing wrong which tolled the running of the three-year limitations period. We disagree. The limitations period for injury to property is three years. MCL 600.5805(8).<sup>1</sup> As a general rule a "claim accrues at the time the wrong upon which the claim is based was done regardless of the time when damage results." MCL 600.5827. A limitations period may be tolled by the continuing wrongful acts of the defendant, but not by the continuous harmful effect of a completed act. *Traver Lakes Community Maintenance Ass'n v Douglas Co*, 224 Mich App 335, 340-341; 568 NW2d 847 (1997); *Horvath v Delida*, 213 Mich App 620, 627; 540 NW2d 760 (1995).

Even if one accepts the allegations in plaintiffs' complaint as true, they show that any wrongful acts committed by defendants were completed in 1990, nine years before plaintiffs filed their original complaint. While plaintiffs allege that they have continued to suffer the

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<sup>1</sup> Effective February 17, 2000, MCL 600.5805 was amended and renumbered. MCL 600.5805(9) now governs the statute of limitations period for injury to property.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

harmful effects of the pond expansion and construction, these harmful effects alone did not toll the running of the three-year limitations period.

Affirmed.

/s/ Michael J. Talbot

/s/ Jessica R. Cooper

/s/ Daniel P. Ryan